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**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

Labor Smart, Inc.,

Plaintiff.

v.

Jason Tucker et al.,

Defendants.

Case No. CV-22-00357 PHX-JJT

**APPLICATION FOR  
ENTRY OF DEFAULT**

**-AND-**

**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR  
ENTRY OF DEFAULT**

To: Clerk of the U.S. District Court for the District of Arizona:

Plaintiff hereby requests that the Clerk enter the default of Jason Tucker and Melissa Tucker ("Defendants") as permitted by Federal Rule of Civil Procedure 55, and this Court's April 25, 2024 Order (Doc. 141), on the grounds that Defendants have failed to answer or otherwise respond to the Third Amended Complaint. Defendants have failed to plead or otherwise respond to the Third Amended Complaint, as further evidenced by the attached Declaration of Paul M. Levine.

**DATED** this 3<sup>rd</sup> day of May, 2024.

1 **PAUL M. LEVINE, P.C.**

2  
3 By /s/ Paul M. Levine

4 Paul M. Levine

5 Attorney for Labor Smart, Inc.

6 ORIGINAL of the forgoing automatically  
7 served via the Court's ECF System  
8 this 3<sup>rd</sup> day of May, 2024 to:

9 Veronica L. Manolio  
10 8686 E. San Alberto Dr., Suite 200  
11 Scottsdale, Arizona 85258

12 [vmanolio@mf-firm.com](mailto:vmanolio@mf-firm.com)

13 *Attorneys for Defendants Tucker*

14 /s/ Libby Dwyer

15 **DECLARATION IN SUPPORT OF APPLICATION FOR ENTRY OF**  
16 **DEFAULT**

17 Paul M. Levine states as follows under penalty of perjury:

18 1. I am an attorney licensed to practice in the State of Arizona and before this  
19 Court, and I am a member of the law firm of Paul M. Levine, P.C., attorneys for  
20 Plaintiff in the above-entitled action.

21 2. The time within which Defendants may answer or otherwise respond to  
22 the Third Amended Complaint has expired and Defendants have not answered  
23 or otherwise responded, and the time for Defendants to do so has not been  
24 extended.

1 3. Upon information and belief, Defendants are not an infant, incompetent  
2 person, and are not in the military service of the United States and the *Soldiers’*  
3 *and Sailors’ Civil Relief Act*, 50 U.S.C. App. § 520 does not apply.

4 **PAUL M. LEVINE, P.C.**

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6 By /s/ Paul M. Levine, #7202

7 Paul M. Levine

8 Attorneys for Labor Smart, Inc.  
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